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# Probers Divided Over Evidence In Pope Attack

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ROME—An exhaustive two-year investigation by Italian magistrates has failed to turn up independent evidence directly linking the Turkish gunman who tried to kill Pope John Paul II in 1981 to three Bulgarian officials he has named as his co-conspirators, interviews with prosecution and defense sources suggest.

The lack of first-hand evidence against the Bulgarian suspects—apart from testimony provided by the pope's would-be assassin, Mehmet Ali Agca—has led many magistrates and lawyers not directly involved with the case to conclude that it will be very difficult for the state to secure convictions in the event of a trial on conspiracy charges.

In interviews, Italian investigators have said it proved impossible to confirm Agca's claims that he was promised the equivalent of \$400,000 by the Bulgarian secret service to kill the pontiff. They also have been unable to find witnesses who can testify that Agca ever met an official of the Bulgarian state airline Balkanair who is now under house arrest in Rome and two former members of the Bulgarian Embassy here who have also been cited as suspects in the case.

A 77-page report by the Italian state prosecutor filed in court in May argued that the core of Agca's allegations about the three Bulgarians was credible because of a mass of accurate details he provided about their movements, habits, facial characteristics and private apartments. He also described an escape plan under which he would have been spirited to a safe haven in Bulgaria in a sealed diplomatic vehicle.

The motive for the alleged conspiracy, according to the prosecutor, was the re-assertion of the Kremlin's authority in the pope's native Poland by striking at the religious-based inspiration for the Solidarity trade union movement.

On the basis of the information contained in the prosecutor's report, some senior officials are reported to have revised their earlier skepticism about a "Bulgarian connection" to the assassination plot. The report is drawn from 25,000 pages of still secret evidence gathered by Italian magistrates during their investigation.

The Washington Post's inquiries, however, have disclosed that members of the Italian judiciary are divided over the legal strength of the prosecution arguments.

Some magistrates say the state has a convincing case while conceding it might be difficult to make it stand up in court. While real life seldom is organized as efficiently as the intricate crime tales of fiction, other magistrates find the plot described by Agca to be so amateurish that they express skepticism that the Bulgarian or indeed any other secret service would have involved itself in it.

The major points in the prosecutor's report were described in a front-page article in The Washington Post on June 18. The following is an examination of the potential flaws in Agca's story that could be used by defense lawyers to undermine the prosecution case. Under Italian law, once suspects have been brought to trial, the burden of proof rests with the prosecution.

- Agca's repeated allegations that he was accompanied to St. Peter's Square on the eve of the assassination attempt by the Bulgarian suspects are brought into question by the sworn evidence of an Italian customs official. The official, Maurizio Lucchetta, has told magistrates that one of the suspects, Bulgarian Embassy administrative officer Todor S. Aivazov, was with him in a different part of Rome around the time Agca said he was with him in the Vatican.

- The available evidence suggests that a heavy truck that the prosecution said could have been used as a getaway vehicle for Agca and a Turkish co-conspirator was parked outside rather than inside the Bulgarian Embassy premises in full view of several shops. Local shopkeepers expressed disbelief that the Bulgarians would have planned to break the customs seals on the truck and smuggle the

pope's assassin on board without assuming they would be seen.

- Telephone numbers for the Bulgarians that Agca said were provided to him in Sofia in the summer of 1979 were freely available from the Rome telephone book. Agca has admitted to using a "small ruse" to look at the telephone book in prison after his conviction in July 1981 for attempting to assassinate the Pope.

- Despite a regime of "isolation" imposed at the time of his conviction, Agca had access to the Italian media while in prison, according to the prosecution. The Italian Justice Ministry has refused to comment on the possibility that he was able to read press speculation about Bulgarian links to the papal plot before he testified on the alleged conspiracy to the magistrates.

- There is no positive proof that Agca was able to communicate intelligently with Sergei I. Antonov, another of the Bulgarian suspects who was allegedly responsible for driving the getaway vehicle, despite a series of alleged meetings. Agca said his conversations with Antonov were conducted in English. But Bulgarian officials have denied that Antonov, the deputy manager in Rome of the Bulgarian state airline, Balkanair, spoke more than a few words of English, and the prosecution has been unable to find witnesses to testify that he did.

There is a sharp difference between the meticulous care Agca took to cover his tracks before the assassination attempt and the openness with which he claims to have met with Bulgarian officials in Rome. He said he got in touch with the Bulgarian agents over open telephone lines, asking for them by secret code names (thus implying that the switchboard operator was aware of at least this part of the

plot) and held a series of meetings with them both in their private apartments and in public bars and restaurants.

Several investigators have said conclusive evidence against the Bulgarians in the form of wiretaps of phone calls Agca claims to have made to the Bulgarian Embassy or secret service or other eyewitness accounts of his alleged meetings with Bulgarian officials simply does not exist.

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"That would be too beautiful," said Judge Ferdinando Imposimato, who led the first inquiries into reports of a "Bulgarian connection" with a left-wing terrorist group known as the Red Brigades.

In response to a series of specific questions, chief prosecutor Antonio Albano confirmed that investigators did not possess eyewitness testimony of conversations or other direct evidence that Agca and the Bulgarians had actually met. He described as "an invention" news reports saying Agca had been seen meeting Antonov in a Rome hotel in January 1981.

It is now up to the investigating magistrate, Judge Ilario Martella, to weigh the major points of the prosecutor's report against submissions by lawyers representing the three Bulgarian and five Turkish suspects. Only Agca, Antonov and two of the other Turks are in custody in Italy. The others would presumably be tried in absentia.

A decision by Martella—the rough equivalent of an American grand jury's recommendation to bring a case to trial—is expected in early August or September.

Although Italian investigators initially concluded that Agca had acted alone, Martella reopened the case in November 1981. This report attempts to lift the curtain of judicial secrecy imposed on the case since then. Martella, a meticulous magistrate with a marked dislike of personal publicity, declined to be interviewed.

In testimony to magistrates, Agca said that on May 12, 1981, the day before the shooting, he and fellow Turk Oral Celik met with Bulgarians Antonov and Aivazov at noon to go over last-minute details. After a meal at a restaurant, Agca said they went together between 1 p.m. and 2 p.m. to St. Peter's Square, where the pope was scheduled to appear the next day, for a final rehearsal of the assassination attempt and the escape plan.

Lawyers representing the Bulgarian Embassy have maintained that this account is false since Aivazov was busy most of the day clearing a truck through customs and therefore could not have been in St. Peter's Square. Arguments over this truck have now become of central importance to the case, with the prosecution alleging that it was part of Agca's escape plan and the defense insisting that it provides Aivazov with a cast-iron alibi for May 12.

According to still secret court documents, customs official Lucchetta told magistrates that he met Aivazov on the morning of May 12 at the San Lorenzo customs house behind Rome's central railway station. He said he drove Aivazov from the customs house to the Bulgarian Embassy in the fashionable residential district of Parioli, a drive that normally would take around half an hour.

An official document provided to the court by the Guardia di Finanza, an Italian military unit responsible for enforcing customs regulations, lists Lucchetta on duty at the Bulgarian Embassy between 2 p.m. and 4 p.m. on May 12.

In a submission to the court, defense counsel Giuseppe Consolo argues that if Lucchetta arrived at the embassy at 2 p.m. with Aivazov, the Bulgarian could not have been in St. Peter's Square at the time Agca claimed.

Lucchetta recalled stopping off for gasoline at a gas station that had stayed open shortly after the normal midday break, which in 1981 could have been between 12:30 and 1 p.m. After reaching the embassy, he told magistrates, Aivazov disappeared, saying he had to take his daughter to school.

Magistrates initially placed Lucchetta under one night's detention after hearing his version of Aivazov's activities that day. Later he was able to provide supporting evidence for his story in the form of a gas coupon dated May 12, 1981, that he said was given to him by Aivazov.

Lucchetta's story is expected to be used by the defense to prove that, because of the travel times and distances involved, Aivazov could not possibly have been both with Lucchetta, and at lunch and at St. Peter's Square with Agca that afternoon.

In an interview, chief prosecutor Albano cautioned against lending too much weight to Lucchetta's testimony, which he did not mention in his report. Albano said that other customs officials on duty had provided different testimony and that Agca might have been mistaken in statements about the precise time the conspirators were in St. Peter's Square.

Although he acknowledged he knew of no reason why Lucchetta would lie, Albano said without going into specifics that "we possess signed documents that do not coincide with Lucchetta's declarations."

Lucchetta has since been transferred from the customs house at San Lorenzo to the Finance Ministry in Rome, where he works in the central accounting office. In an interview, he refused to discuss the substance of his testimony, invoking Italian regulations on judicial secrecy and his own status as a member of the military.

"What I told Martella was the truth. Martella knows everything," he said, adding that he was both a Catholic believer and an admirer of Pope John Paul II.

A key element in the prosecutor's report is the presence of a sealed truck at the Bulgarian Embassy on the day of the assassination attempt. In testimony to the judge, Agca said the escape plan envisaged the provision of an embassy car or diplomatic truck to take him to Bulgaria after he shot the pope.

Under international convention, such trucks are inspected only on departure and final arrival, and are allowed to cross European borders without additional customs clearance.

The fact that the Bulgarian Embassy requested customs clearance on embassy grounds for the truck on May 12 and 13 is depicted by Albano as of "fundamental importance" in establishing Agca's credibility.

The prosecution contends, based on Agca's testimony, that the truck was to take Agca and Celik to Bulgaria after the shooting. The alleged plot went awry when Agca was arrested in St. Peter's Square, but, according to the prosecution, Celik escaped and the truck left with him aboard.

Since Italian customs officials left the Bulgarian Embassy several hours before the assassination attempt, after sealing the truck, such a scenario would have required the Bulgarians to break the seals, smuggle Celik aboard (perhaps in a crate) and reseal the truck. Defense lawyer Giuseppe Consolo called such an idea "ridiculous," and said several Italian witnesses had testified that the truck was parked outside rather than inside the embassy.

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He also mistakenly described Aivazov as shorter than Maj. Zhelio K. Vasilev, when in fact he is considerably taller. Vasilev, the former assistant military attache in the Bulgarian Embassy in Rome, is the third Bulgarian named in the prosecutor's report.

A paragraph in The Post's report on June 18 erroneously confused the two men, saying Aivazov is shorter. The point is relevant because the defense has argued that it implies that Agca knew the Bulgarians only from photographs.

In their submission to the judge, the defense lawyers attempt to ridicule Agca's reliability as a witness by citing conflicting testimony about whether or not Antonov had a beard. Quoting court documents, they cite him as saying first that Antonov had a blondish beard, then that the beard was black, and then that he wore a beard from time to time that appeared to be false.

Both Vasilev and Aivazov have diplomatic status and returned to Bulgaria in 1982. Of the Turks named in the conspiracy, Agca, Bagci and Celibi are in Italian custody. Celenk is in Bulgaria, and Celik is still at large.

Defense attorneys said they will seek to cast doubt on Agca's credibility further by pointing to his failure initially to identify Aivazov's apartment block in Via Galiani when he was taken there by Martella last November. The house numbers were covered up during the visit and he initially pointed to a building on the other side of the street before turning around and pointing to the correct building.

Asked to write the name of the street on a piece of paper, Agca wrote Via "Galliani" with two l's, thus repeating a mistake made in the telephone book. He made several errors concerning the floor on which the apartment was located and the position of the staircase, but correctly described the condition of Aivazov's teeth, the fact that he possessed a Fiat 124 and the fact that relatives were staying in his apartment in May 1981.

Bulgarian officials consistently have said Antonov spoke only a few words of English, phrases like "good morning," and thus could not have communicated with Agca. The prosecution has cited Antonov's acknowledgement under interrogation that he knew "a little English," and an assumption that he would be required to know English in his job as Balkanair deputy manager, as

evidence he and Agca could communicate and thus conspire.

But Albano said in an interview that investigators had not been able to find witnesses who could testify that Antonov spoke English.

At the center of any new trial will be the enigmatic figure of Agca himself, whose behavior has puzzled

Italian investigators from the start. The twists and turns in his testimony have exasperated the magistrates who at one point accused him of "slander and self-slander" after he retracted details about a plot to kill Lech Walesa, leader of the outlawed Polish trade union Solidarity.

The prosecutor has since recommended that those charges be dropped on the grounds that it cannot be proved that his original statements were not true.

Magistrates and lawyers who have had any dealings with Agca are unanimous in talking about his intelligence, cunning and astonishing memory. They have also been impressed by his ability to mislead his interrogators, revealing evidence at times of his own choosing and pointing the investigation into carefully selected areas.

"Agca is like an animal in the jungle with all his antennae working. He is playing for his life and freedom. He has lost it and is trying to get it back," said prosecutor Albano, explaining why he thought it was in Agca's interest to cooperate.

Judge Domenico Sica, the first magistrate to interrogate Agca immediately after the assassination attempt, said he got the impression that the Turk had prepared what he was going to tell the judges.

"He was calm and confident. He seemed to have a patter all prepared, setting out his arguments. After a few hours, when I tried to start getting specific, he shut up."

Judge Imposimato, who investigated the "Bulgarian connection," said Agca behaved in a somewhat different way from other repentant criminals, or *pentiti* as they are known in Italian, bargaining for their liberty in return for a confession.

"Most *pentiti* do not want to reveal anything to the judge that won't be believed for fear of damaging their credibility. So they stick to what can be corroborated. Agca, on the other hand, sometimes seems to want to supply the corroborating evidence himself," Imposimato said.

It is a psychological explanation that fits in well with Agca's declaration to Martella that he had embroidered his evidence about Antonov "in order to give greater credibility to my assertions."

*Special correspondent Sari Gilbert in Rome contributed to this report.*